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Fresno, California

February 28, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Henry Perea	Acting President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Jerry Duncan	Council President

Andy Souza, Assistant City Manager
Jon Ruiz, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

PROCLAMATION OF "ROGUE PERFORMANCE FESTIVAL WEEK" - ACTING PRESIDENT PEREA**PROCLAMATION OF "THE BIG READ - TO KILL A MOCKINGBIRD DAYS" - PRESIDENT DUNCAN AND COUNCILMEMBER STERLING**

The above proclamations were read and presented.

APPROVE CITY COUNCIL MINUTES OF FEBRUARY 14, 2006:

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of February 14, 2006, approved as submitted.

APPROVE JOINT POWERS FINANCING AUTHORITY MINUTES OF FEBRUARY 14, 2006:

On motion of Member Boyajian, seconded by Member Duncan, duly carried, RESOLVED, the JPFA minutes of February 14, 2006, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:**APARTMENT COMPLEX IN SOUTHWEST FRESNO WITH CONTINUED CRIMINAL ACTIVITY - COUNCILMEMBER BOYAJIAN**

Upon question of Councilmember Boyajian, City Attorney Montoy advised the problem could be addressed under the Management of Real Property ordinance and requested the address of the complex be submitted to her office.

(1) REQUEST STAFF TO RESPOND TO OCTOBER 2005 REQUEST FOR ORDINANCE REQUIRING DEVELOPERS TO INSTALL TRAFFIC SIGNALS; (2) NO NEIGHBORHOOD LEFT BEHIND AND REQUEST FOR 1ST YEAR PROJECT START DATES; AND (3) REQUEST STAFF GIVE AN ANSWER TO THE MOOSE LODGE'S NOVEMBER REQUEST - COUNCILMEMBER DAGES

Requests made.

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(1) PRESENTATION OF MEMENTOS TO COUNCIL FROM THE ROSA PARKS FREEWAY EXCHANGE NAMING EVENT AND THANK YOU TO PHILLIP WEATHERS AND THE COMMUNITY SANITATION TEAM FOR THEIR SITE PREPARATION WORK; (2) REQUEST FOR UPDATE REPORT FROM CITY MANAGER ON THE AARLA CONTRACT; AND (3) A BUSINESS OWNER'S PROBLEM WITH THEIR IN-LIEU UTILITY FEE REFUND - COUNCILMEMBER STERLING

Presentation and request made, and relative to fee refund Councilmember Sterling advised a business owner in her district who has been in business for 30 years and has paid the utility bill all that time applied for a refund last August and never received it and upon checking with the City found out the previous owner got the refund check, and stated that was not fair, the business owner was quite upset, and requested staff look into the matter and respond back to her.

REQUEST TO STAFF TO REQUEST THE NESTOR COMPANY TO REMOVE THEIR UNSIGHTLY RED LIGHT CAMERA POLES - COUNCILMEMBER CALHOUN

Request made with President Duncan concurring and requesting staff also remove the advisory signs as soon as possible as the cameras were not operating, and added he wanted to see a plan for removal of the hardware.

FILMING PEOPLE IN PUBLIC RESTROOMS - PRESIDENT DUNCAN

Upon his question, City Attorney Montoy advised it was unlawful for private citizens to film people in public restrooms.

APPROVE AGENDA:

(10:00 A.M. #1) CONTINUED HEARING ON CFD NO. 11, ANNEXATION NO. 2, TRACT NO. 5316 (Continue to March 14, 2006, at 10:50 a.m.)

Continued as noted.

(5:30 P.M.) CONTINUED HEARING TO CONSIDER ADOPTION OF A RESOLUTION DESIGNATING BUILDING 8, THE FORMER RETAIL SHED OF THE SUGAR PINE LUMBER COMPANY (PINEDALE ASSEMBLY CENTER SITE, CAMP PINEDALE) AT 7435 N. INGRAM AVENUE, TO THE LOCAL REGISTER OF HISTORIC RESOURCES (Continue to April 18, 2006, at 5:30 p.m.)

Continued as noted.

(9:15 A.M.) APPROVE ACQUISITION OF PARCELS ENCOMPASSING 22,374 SQUARE FEET AT THE NORTHEAST CORNER OF DIVISADERO AND GLENN AVENUES FOR DEVELOPMENT OF A COMMUNITY CENTER FOR THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT

Removed from the agenda at the request of staff.

City Clerk Klisch clarified Contested Consent Calendar items would be heard at 2:00 p.m.

(1-A) APPROVE PURCHASE OF APPROXIMATELY 5.5 ACRES OF VACANT REAL PROPERTY ON THE SOUTH SIDE OF KINGS CANYON ROAD BETWEEN WILLOW AND PEACH AVENUES FOR A FUTURE HOUSING AND TRANSIT DEVELOPMENT PROJECT

Removed from the agenda at the request of staff.

On motion of Acting President Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the **AGENDA** hereby approved, as modified, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None

Absent : None

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ADOPT CONSENT CALENDAR:

Relative to Item **1-H**, Mike Prandini of the Building Industry Association advised his questions were answered by staff and he no longer wished to have the item pulled for discussion.

Gloria Torrez spoke in opposition to Item **1-A** stating HOME Program funds should be used for the homeless and people in need, to Item **1-E** stating if Transportation Enhancement grant funds were available she wanted to see them go to FAX for the general public, and to Item **1-Q** stating the money goes elsewhere while bus riders go without, and also expressed her concern with city and county employees getting a free ride.

Councilmember Boyajian pulled Items **1-G** and **1-I**, Councilmember Westerlund pulled Items **1-F** and **1-H**, and Councilmember Calhoun pulled Item **1-O** for discussion/action under Contested Consent Calendar at 2:00 p.m.

Relative to Item **1-Q**, Assistant City Manager Rudd clarified, in addition to the number of projects listed in the staff report, the City would also be pursuing grant funding for 20 replacement buses in addition to expansion buses.

(1-B) APPROVE REAPPOINTMENT OF CHARLES VANG TO THE PLANNING COMMISSION - MAYOR AUTRY

(1-C) APPROVE THE FIRST AMENDMENT TO AGREEMENT WITH HILTON, FARNKOPF AND HOBSON IN THE AMOUNT OF \$18,000, WITH A CONTINGENCY OF \$4,000, TO PERFORM THE TRAFFIC COMPOSITION AND VOLUME STUDY PORTION OF THE VEHICLE IMPACT ANALYSIS WITHIN THE CITY OF FRESNO

(1-D) APPROVE AN AMENDMENT TO AGREEMENT WITH KLEINFELDER, INC., FOR \$48,500 TO PERFORM A SECOND ROUND OF LANDFILL GAS COMPLIANCE TESTING AT THE FRESNO SANITARY LANDFILL SUPERFUND SITE, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

(1-E) APPROVE AN AGREEMENT WITH JOHNSON ARCHITECTURE IN THE AMOUNT OF \$105,000 FOR THE DESIGN OF PHASE 2 AND 3 IMPROVEMENTS AT THE SANT FE DEPOT LOCATED AT SANTA FE AVENUE AND TULARE STREET

(1-J) RESOLUTION NO. 2006-63 - RESCINDING RES. 88-30 WHICH ORDERED THE VACATION OF PORTIONS OF CALWA AND LILY AVENUES, AND RESOLUTION NO. 97-03 WHICH ORDERED THE VACATION OF A PORTION OF THE CEDAR AVENUE FRONTAGE ROAD SOUTH OF BELLAIRE WAY

(1-K) APPROVE ACQUISITION OF THREE (3) 1,720 SQUARE FOOT TEMPORARY CONSTRUCTION EASEMENTS FROM PROPERTY OWNED BY PANFILO AND YOLANDA CERRILLO, ROBERT AND DORA LOPEZ, AND FUERZA DEL CALVARIO PENTECOSTAL AND RAMON AND LUZ ELENA LOPEZ, FOR PLACEMENT OF A SEWER MAIN IN FRESNO COUNTY ALONG CENTRAL AVENUE BETWEEN CHERRY AND MARY STREET; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT THE TEMPORARY CONSTRUCTION DEEDS OF EASEMENT FROM THE PROPERTY OWNERS

(1-L) RESOLUTION NO. 2006-64 - INTENT TO ANNEX FINAL TRACT NO. 5442 TO CFD NO. 2, ANNEXATION 113, AND SETTING THE PUBLIC HEARING FOR APRIL 4, 2006

(1-M) RESOLUTION NO. 2006-65 - INTENT TO ANNEX FINAL TRACT NO. 5445 TO CFD NO. 2, ANNEXATION 114, AND SETTING THE PUBLIC HEARING FOR APRIL 4, 2006

(1-N) RESOLUTION NO. 2006-66 - INTENT TO ANNEX FINAL TRACT NO. 5446 TO CFD NO. 2, ANNEXATION 115, AND SETTING THE PUBLIC HEARING FOR APRIL 4, 2006

(1-P) RESOLUTION NO. 2006-67 -58TH AMENDMENT TO AAR 05-286 APPROPRIATING \$809,500 FOR BI-ANNUAL UGM REIMBURSEMENTS FROM AVAILABLE FUNDS TO APPROVED DEVELOPERS

(1-Q) ACTIONS RELATING TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA-LU) PROGRAMS AND PROJECTS

1. RESOLUTION NO. 2006-68 - SUPPORTING AND IMPLEMENTING AB 1012 "TIMELY USE OF FUNDING" ON

SAFETEA-LU PROGRAMS ADMINISTERED BY COG

2. RESOLUTION NO. 2006-69 - APPROVING THE APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDS UNDER THE SAFETEA-LU**147-58****2/28/06**

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

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(9:00 A.M.) PUBLIC COMMENT - UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY RAUL PEREZ REGARDING HIS EFFORTS TO HELP/UPGRADE ALL UNITED STATES VETERANS AND THEIR FAMILIES AND REQUESTING ASSISTANCE

Appearance made with President Duncan and Councilmember Calhoun responding and telling Mr. Perez his meeting with the Fresno Bee was an appropriate avenue to pursue.

APPEARANCE BY ED ECHOLS EXPRESSING HIS APPRECIATION OF COUNCIL

Appearance made.

APPEARANCE BY GLORIA TORREZ REGARDING (1) NEED AND SUPPORT FOR THE MANAGEMENT OF REAL PROPERTY ORDINANCE; (2) CONCERN/OPPOSITION TO REPLACING RESTROOMS IN ROEDING PARK WITH PORTABLE ONES; AND (3) CONCERNS WITH ITEM 1-Q AND HER OPPOSITION TO MEASURE "C"

Appearance made with Councilmembers Boyajian, Calhoun **(2 - 0)** and Assistant City Manager Ruiz responding and clarifying issues relative to Item 1-Q and the temporary portable restrooms. Councilmember Boyajian also requested the city manager look into bringing the Roeding Park tennis club back and working with them stating they had good ideas and they could help with leveraging resources.

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RECESS - 9:23 A.M. - 10:00 A.M. Councilmember Sterling was absent due to personal business and returned in the afternoon session.

(10:00 A.M. #2) CONTINUED HEARING ON CFD NO. 2, ANNEXATION NO. 106, TRACT NO. 5285

1. RESOLUTION NO. 2006-70 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO 2006-71 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2006-72 - DECLARING ELECTION RESULTS

4. BILL NO. B-19 - ORDINANCE NO. 2006-19 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS

5. RESOLUTION NO. 2006-73 - APPROVING THE FINAL MAP OF TRACT NO. 5285 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, N. BRAWLEY BETWEEN W. PRINCETON AND W. HARVARD AVENUES

President Duncan announced the time had arrived to consider the issue and opened the hearing. Upon question, Senior Engineering Technician Paff stated the staff report as submitted was complete, LAFCO proceedings were completed, and the matter was ready to go.

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Acting President Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-70, 2006-71, 2006-72 and 2006-73 hereby adopted, and the above entitled Bill No. B-19 adopted as Ordinance No. 2006-18, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan

Noes : None
Absent : Sterling

RECESS - 10:01 A.M. - 10:05 A.M.

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(10:05 A.M. #1) CONTINUED HEARING ON CFD NO. 2, ANNEXATION NO. 112, TRACT NO. 5517

- 1. RESOLUTION NO. 2006-74 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO 2006-75 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2006-76 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-20 - ORDINANCE NO. 2006-20 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS**

President Duncan announced the time had arrived to consider the issue and opened the hearing. Upon question, Senior Engineering Technician Paff stated the staff report as submitted was complete.

Upon call, no one wished to be heard and President Duncan closed the hearing. A motion was made to approve staff's recommendation.

Mr. Paff responded briefly to questions of Councilmember Boyajian relative to why the various annexations have different assessment amounts, who determines amounts, and how the amounts are determined.

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, **RESOLVED**, the above entitled Resolution Nos. 2006-74, 2006-75 and 2006-76 hereby adopted, and the above entitled Bill No. B-20 adopted as Ordinance No. 2006-20, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
Noes : None
Absent : Sterling

(10:05 A.M. #2) CONTINUED HEARING ON CFD NO. 2, ANNEXATION NO. 111, TRACT NO. 5356

- 1. RESOLUTION NO. 2006-77 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO 2006-78 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2006-79 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-21 - ORDINANCE NO. 2006-21 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS**

President Duncan announced the time had arrived to consider the issue and opened the hearing. Upon call, Senior Engineering Technician Paff stated the staff report as submitted was complete.

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the above entitled Resolution Nos. 2006-77, 2006-78 and 2006-79 hereby adopted, and the above entitled Bill No. B-21 adopted as Ordinance No. 2006-21, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
Noes : None
Absent : Sterling

RECESS - 10:08 A.M. - 10:10 A.M.

(10:10 A.M.) DIRECT STAFF TO RETURN BY MARCH 28, 2006, WITH A SIDE LETTER AGREEMENT WITH THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA) REGARDING ANNUAL INCREASE TO RETIREE BENEFITS, TO BE RETROACTIVE TO 1/1/06 - COUNCILMEMBER DAGES

Councilmember Dages clarified the City and FPOA were not in negotiations, stated this was a simple matter in that there was supposed to be an increase on 1/1/06 for retirees, the funding source was at issue, and he wanted the retirement administrator to explain the specifics. Upon question of City Attorney Montoy, Councilmember Dages clarified that by bringing this matter forward and getting information necessary to determine whether or not to proceed he was not opening up meet and confer.

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Retirement Administrator McDivitt explained the issue including the existing MOU's increase date, the historic July 1st increase date, his authority under the code, and methodologies. At this point Councilmember Westerlund questioned why there was no written material stating this was a complicated issue, with Councilmember Dages stating he did not submit written material as he did not feel comfortable putting in writing what Mr. McDivitt was now explaining and he wanted Mr. McDivitt to give a verbal report, and clarified if he were to make a motion it would strictly be direction to staff to return with a side letter. Mr. McDivitt continued, advised this situation was caught recently in a fire MOU and was corrected to annualize the increase, and concluded. Councilmember Dages stated if the retirees had this benefit coming they had a right to have it, advised he brought this matter forward as he was getting conflicting stories, and upon his question Mr. McDivitt confirmed the increases would be paid out of retirement assets and not the general fund.

Assistant City Manager Rudd stated staff reviewed the issue and believed it was an issue of meet and confer, advised the language negotiated for the fire MOU was never discussed or negotiated with FPOA and FPOA was requesting the City of Fresno reopen the MOU to add a provision into their labor agreement, and stated the code was clear, staff believed the funding source was something to discuss in closed session, and formally requested this matter be moved to closed session. Councilmember Dages stated he never had a problem with discussing this in closed session except for the fact that Mr. McDivitt and an FPOA representative would not be allowed there and Council would hear a one-sided story which would not benefit the retirees.

Upon question of President Duncan, Ms. Montoy stated the practice and policy has been to engage in meet and confer through closed session direction to staff, stated that was the safest way to proceed, and added it was Councilmember Dages' intent for Council to get information to determine if this should be moved into closed session. Councilmember Dages stated he still wanted to give direction to staff as outlined above, whereupon Ms. Montoy recommended Council meet in closed session and clarified Councilmember Dages could make his motion in closed session.

Jacky Parks, representing FPOA, stated the language in the code was an oversight, this was a no-brainer, the raise was negotiated for January 1st which was a postponement of six months to help the City of Fresno and now retirees were being penalized, and urged the City to pay the retirees stressing it would not cost the City a dime as the increases would come out of retirement funds.

Ms. Montoy clarified this was a timing issue and not a money issue therefor the retirees would be getting the money they were entitled. Councilmember Boyajian noted for the record he has always recused himself from police negotiations as his girlfriend was a police officer (now retired) and he considered that a conflict. Upon question of Councilmember Westerlund, Ms. Montoy clarified Mr. McDivitt could not attend closed session as technically he was not an agent/representative of the City. Councilmember Westerlund requested both sides submit their comments/positions in writing. Councilmember Dages requested staff provide a verbatim transcript of Mr. McDivitt's and Mr. Parks' comments this date and questioned if the code could be amended to mirror the MOU, with Ms. Montoy responding affirmatively. Councilmember Dages directed the city attorney amend the subject code section. President Duncan stated this was complicated from the retirement administrator's point of view but seemed to be simple by just amending the code so the retirees can get what they deserve. By Council consensus the matter was scheduled for closed session in one week and there was no further discussion.

(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-05-78 AND ENVIRONMENTAL FINDINGS, FILED BY AMCAL MULTIPLE FAMILY, INC., PROPERTY LOCATED ON THE NORTH SIDE OF E. JENSEN BETWEEN S. ELM AND S. CLARA AVENUES

- 1. CONSIDER AND ADOPT E.A. NO. R-05-78/C-05-209, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**
- 2. BILL NO. B-22 - ORDINANCE NO. 2006-22 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-A TO R-2**

President Duncan announced the time had arrived to consider the issue and opened the hearing. Upon question, a planning & development staff representative stated the staff report as submitted was complete.

Tom Davis, 2470 Stuart, Clovis, representing the applicant, advised they met with Councilmember Sterling about Jobs for Progress and they would be working with her relative to providing employment opportunities.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

President Duncan advised he spoke with Councilmember Sterling and she wholeheartedly supported the project and commended the developer.

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On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-05-78/C-05-209, dated December 15, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-22 adopted as Ordinance No. 2006-22, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
 Noes : None
 Absent : Sterling

(10:20 A.M.) HEARING ON REZONE APPLICATION NO. R-05-92 AND ENVIRONMENTAL FINDINGS, FILED BY TAYLOR GROUP ARCHITECTS ON BEHALF OF SADI LLC, PROPERTY LOCATED ON THE EAST SIDE OF S. MAPLE BETWEEN THE UNION PACIFIC RAILROAD AND E. FLORENCE AVENUE

1. CONSIDER AND ADOPT E.A. NO. R-05-92/C-05-226, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-23 - ORDINANCE NO. 2006-23 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-2/UGM/cz TO R-2/UGM

President Duncan announced the time had arrived to consider the issue and opened the hearing. Upon question, a planning & development staff representative stated the staff report as submitted was complete.

Russell Taylor, architect for the project, advised he was available to answer any questions.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Councilmember Dages commended the developer for meeting with neighbors and spoke in support of the project stating it was going to be a quality one and a good addition to the southeast area, and made a motion to approve staff's recommendation.

Developer Scott Richards, 1157 Lake Street, Venice, CA, responded briefly to questions of Councilmember Boyajian relative to what percentage of the units would be for low-income and if a community center was going to be constructed.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-05-92/C-05-226, dated January 31, 2006, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-23 adopted as Ordinance No. 2006-23, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
 Noes : None
 Absent : Sterling

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-05-108 AND ENVIRONMENTAL FINDINGS, FILED BY WEST ROEDING DEVELOPMENT GROUP, G.P., SOUTHWEST CORNER OF S. HUGHES AND W. NEILSEN AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-05-108, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-24 - ORDINANCE NO. 2006-24 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20/UGM TO M-1/UGM

President Duncan announced the time had arrived to consider the issue and opened the hearing. Upon question, a planning & development staff representative stated the staff report as submitted was complete.

Paul Gage, representing the applicant, stated he agreed with staff's recommendation.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Mr. Gage and Planning Manager Haro responded to questions and comments of Councilmember Boyajian at length relative to the proposed project, need for and importance of continuity and consistency of uses/projects in and around the Roeding Industrial Park, if the developer spoke with redevelopment agency staff about the project, if the project was coordinated with the redevelopment agency, and if the project would meet all requirements.

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President Duncan advised he spoke with Councilmember Sterling and she was supportive of the project. Mr. Gage responded to questions of Councilmember Westerlund relative to whether the canal issues were resolved with the Fresno Irrigation District, number of jobs involved, if future expansion was anticipated, and if the project would conform with all covenants and requirements. A motion and second was made to approve staff's recommendation.

Councilmember Calhoun stated this project was not discussed at the standing Mayor/Council economic development task force meeting last week, noted redevelopment agency staff was not represented here and the council member of the area who was supportive was not present, questioned if city staff was aware of this proposal and if they were surprised it did not come up for discussion last week at the task force meeting, and stated he had a lot of questions and expressed concern that this did not go through the task force stating that was the purpose of it, with Councilmember Westerlund and Planning & Development Director Yovino responding throughout. ****Note - the following portion was not recorded due to equipment malfunction (recording resumes later):*** Councilmember Calhoun made a motion to table the matter until after it goes before the economic development task force and upon call, the motion died for lack of a second.

Councilmember Westerlund and President Duncan spoke in support of the issue, thanked the developer for the investment, disagreed that every project that comes to Council has to go before the task force, and emphasized this project would meet all the requirements of the Roeding industrial area.

On motion of Councilmember Westerlund, seconded by Councilmember Boyajian, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-108, dated January 12, 2006, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-24 adopted as Ordinance No. 2006-24, by the following vote:

Ayes :	Boyajian, Dages, Perea, Westerlund, Duncan
Noes :	Calhoun
Absent :	Sterling

LUNCH RECESS - 10:55 A.M. - 2:02 P.M. Councilmember Sterling arrived later.

(2:00 P.M.) CONTESTED CONSENT CALENDAR:

(1-F) APPROVE AN AGREEMENT WITH THE VERNAL GROUP IN THE AMOUNT OF \$120,000 FOR ARCHITECTURAL AND PLANNING SERVICES FOR THE REHABILITATION OF 14 FIRE STATIONS (#1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 AND 14)

****Recording resumes. (3 - 0)*** Chief Aranaz and Supervising Engineering Technician Vanderford responded to questions/comments of Councilmember Westerlund relative to firms bidding low and then coming back with an increased cost, why the cost was increased to \$120,000 when the bid was for \$36,500, if the work being proposed was necessary and required, and if The Vernal Group was making up for their low bid. Councilmember Westerlund stated if the cost figure goes up again he would be hard pressed to support that and made a motion to approve staff's recommendation. President Duncan noted a bond was passed four years ago for emergency repairs and stated he was very disappointed with the "snails pace" in performance of those "emergency" repairs.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, an agreement with The Vernal Group as outlined above hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
Noes :	None
Absent :	Sterling

(1-G) RESOLUTION NO. 2006-80 - 62ND AMENDMENT TO AAR 05-286 TO RE-BUDGET CAPITAL PROJECTS TO PROVIDE FOR THE COMPLETION OF CAPITAL IMPROVEMENT PROJECTS THAT WERE PREVIOUSLY APPROVED BY COUNCIL

Public Works Director Healey responded to questions of Councilmember Boyajian relative to whether any projects were being eliminated, what the purpose of this action was, if the projects were previously funded, if there was a list of the projects, and if any projects were being changed. Councilmember Sterling arrived at the meeting at 2:09 p.m. during questioning.

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On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-80 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

(1-H) RESOLUTION NO. 2006-81 - APPROVING THE REALLOCATION OF \$428,000 WITHIN UGM TRAFFIC SIGNAL PROJECTS TO FUND A PORTION OF THE FIRST AND TULARE STREETS IMPROVEMENT PROJECT

1. AWARD A CONTRACT IN THE AMOUNT OF \$1,110,398.70 TO SEAL RITE PAVING COMPANY FOR THE PROJECT

Councilmember Westerlund advised his concern was this project was not on the priority ranking list and after inquiring advised he was told by staff that a second list existed, and presented questions relative to why this project was not included in the priority list as an addendum and funding source issues, with Traffic Engineering Manager Mozier responding. Councilmember Westerlund stated it would be helpful to him to have all the lists so he could refer to them when these projects come forth and made a motion to approve staff's recommendation, which motion was seconded by Acting President Perea. Councilmember Calhoun concurred, stated staff makes the assumption that Council can remember all facts presented when they can't remember all the details of why things happen as they do, and requested in the future that information be included in the staff report in the "background" section, with President Duncan concurring.

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2006-81 hereby adopted, and a contract for the project awarded to Seal Rite Paving Company, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

(1-I) APPROVE AN AGREEMENT WITH MOORE, IACOFANO, GOLTSMAN, INC. (MIG) IN THE AMOUNT OF \$184,000 FOR THE PREPARATION OF PLANS, SPECIFICATIONS AND COST ESTIMATES FOR THE VICTORIA WEST PARK EXPANSION

Assistant PR&CS Director Haynes and Design Services Manager Andersen responded to questions of Councilmember Boyajian relative to grants, how specific the City is when applying for funds, if schematics are prepared, what staff submits when making an application, if a firm is hired to prepare project specifics, what the time table was for the project, if any grant money was lost due to the length of time it took to get to this point, and issues relative to the BMX park. Councilmember Boyajian spoke in support and commended staff.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the agreement with Moore, Iacofano, Goltsman, Inc. (MIG) hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

(1-O) RESOLUTION NO. 2006-82 - INTENT TO ANNEX FINAL TRACT NO. 5211 TO CFD NO. 2, ANNEXATION 116, AND SETTING THE PUBLIC HEARING FOR APRIL 4, 2006

Councilmember Calhoun stated he meant to pull Item 1-E for discussion, not 1-O.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled

Resolution No. 2006-82 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

(2:30 P.M.) PRESENTATION TO DISCUSS AND ACCEPT THE MAYOR'S CREATIVE ECONOMY COUNCIL REPORT - MAYOR AUTRY AND ACTING PRESIDENT PEREA

147-64

2/28/06

Mayor Autry stated this had been a long process and one of his most enjoyable journeys, thanked Acting President Perea for coming forward with this idea and also thanked committee members by name, and stated this was the best report he had ever been given or seen and he looked forward to implementing many of the aspects of the report. Acting President Perea thanked the Mayor for partnering on this venture, thanked the CEC and everyone else involved, spoke to how special and important this had been to him and congratulated the community for coming together for one cause.

CEC Chair Suzanne Bertz-Rosa extended her thanks to the Council, to the mayor for his leadership, to Acting President Perea for his vision, to the CEC, and to the public who participated, and along with CEC member Jaime Holt gave a DVD and PowerPoint presentation on the issue and the report **(4 - 0)**.

Speaking in support of the report and/or to related issues were: Paula Mickalian, Heritage Fresno; Darlene Curtis, Central Valley Classic Bicycle Race; Mark Stout, Tower District resident; Patrick Sweeney, Central Transit and Design Corp., who spoke to the need for alternative transportation; Nancy Marquez, 1630 Van Ness, on behalf of Arte Americas and the Fresno Cultural Arts District; Ron Eichman, General Director of the Fresno Grand Opera and member of the Board of Directors of the Fresno Coalition of Arts, Sciences and History; Carol Hartman, Fresno Arts Council board member; Matt Jendian, Professor at Fresno State, representing the Fresno Housing Alliance, who also submitted written material into the record; Keith Kelley, Fresno West Coalition for Economic Development, who read and submitted a letter of support into the record; Dr. Karen Hansen-Smith; Craig Scharton, One by One Leadership; Celeste Harrell, 1924 E. Harvey #B; Laura Fultz, Tower District resident; Gloria Torrez, who spoke to the need to implement the recommendations and allow everyone to participate; Ken Newby, RJI Co-Chair; Miguel Arambula, 623 E. Cambridge; Anidelle Flint, 254 W. San Bruno; and Tate Hill, 1179 Ferger, Creative Fresno.

City Manager Souza spoke to implementation and advised staff was proposing to return to Council in about 60 days with a report which would include a matrix showing what has been completed, the work plans, and policy decisions, and stated staff was engaged and would continue to be available to assist the non-profit and other groups that will be involved in the implementation. President Duncan directed the city clerk to schedule a progress report on the April 25th agenda at 2:30 p.m.

Council discussion ensued. Councilmember Dages spoke in support and **due to equipment malfunction, all of his comments were not recorded**, along with Councilmember Boyajian's opening comments about his belief in, and support for, downtown. **Recording resumes here: (5 - 0)** Councilmember Boyajian continued and elaborated at length on various issues including the need for tolerance, support for the inner-city, affordable housing, smart growth, and government representation of people, and thanked everyone involved for their work. Councilmember Calhoun noted his campaign slogan was "FRES-YES" and stated people needed to think that way, and spoke briefly to the Fulton Mall stating it was a disaster and would be the challenge, and advised Council would be discussing the matter on March 14th at 2:30 p.m. Councilmember Sterling commented at length on issues including the Housing Alliance Conference, how the "tale of two cities" gap was being bridged, the report giving continued hope for mixed use housing projects, and how she was glad for the city council's diversity, opinions and youth. Councilmember Westerlund thanked all involved for their vision **(6 - 0)**, stated this report would make a difference in not only downtown but in the entire city, and stated smart growth was occurring south of Shaw for the first time resulting in a true downtown.

Acting President Perea thanked Council for receiving the report so well and for the commitments, gave his personal commitment to see that the initiatives are implemented, and made a motion to accept the report, which motion was seconded by Councilmember Dages.

President Duncan noted 44 recommendations involved city money to implement and questioned how the City planned to prioritize funds and if the CEC was comfortable with the City prioritizing the initiatives (with Mr. Souza and Mr. Scharton responding); noted there were 26 private sector initiatives and stressed a real commitment was needed from them and also from the community to make

this a success; and advised his 24 year old relocated to Las Vegas after searching here for over two years for a meaningful job and gave his personal commitment to stop the brain-drain .

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the Mayor's Creative Economy Council Report hereby accepted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

Mayor Autry and Acting President Perea presented committee members with "I LOVE (heart) FRESNO" t-shirts.

ADJOURNMENT

147-65

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There being no further business to bring before the City Council, the hour of 4:29 p.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

Approved on the 7th day of March, 2006.

/s/

ATTEST:

/s/

Jerry Duncan, Council PresidentYolanda Salazar, Assistant City Clerk

147-66

2/28/06